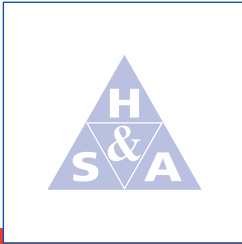




HEALTH AND SAFETY
AUTHORITY

A Short Guide to Health and Safety Law

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The Safety, Health and Welfare at Work Act, 1989, (No.7 of 1989) and the Safety, Health and Welfare at Work (General Application) Regulations, 1993 (S.I. No. 44 of 1993)*.

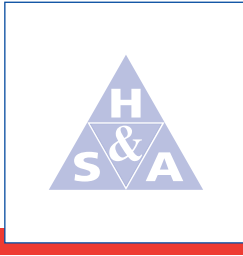
The 1989 Act supplemented by the 1993 General Application Regulations set out how prevention of ill health and accidents in all places of work and for all workers is to be achieved.

The law sets out:

- the full scope of workplace safety
- the organisation and systems necessary to achieve it
- the responsibilities and roles of employers, the self-employed and employees
- the enforcement procedures where the laws are not followed

Employers (including self-employed persons) are primarily responsible for creating and maintaining a safe and healthy workplace. This includes:

- The management of safety and health in the workplace including consulting the workforce.
- A written Safety Statement, identifying hazards and outlining measures to protect employees, must be prepared.
- Risks must be evaluated periodically and a written record of risk assessment kept as part of the Safety Statement.
- Competent advice on health and safety matters must be obtained. If necessary, outside advice must be taken.
- Responsibilities also include providing a safe place of work, safe access and exits, safe work systems, plant and machinery, information, supervision and training.
- The cost of safety and health measures in the place of work cannot be passed on to employees.
- Necessary emergency evacuation plans and contacts with local emergency services must be arranged.
- Employees who will take on particular responsibilities if an emergency arises must be designated.
- Where a place of work is shared, all of the different employers (and self-employed-persons) must co-operate in safety and health matters.



Employees (including full or part-time, permanent or temporary, regardless of any employment or contractual arrangement they may have) must be fully involved.

- Employees must be consulted on any matters dealing with health and safety in the workplace.
- Where worker participation operates this should include health and safety matters. Safety Representatives with whom the employer must consult can be appointed.
- Health Surveillance must be available where the risks justify it.
- Proper use must be made of all machinery, tools, substances, etc and of personal protective equipment.

Visitors and passers-by: Other people present in the place of work e.g. visitors must also be protected.

Manufacturers and Suppliers (including designers, installers and erectors):

Manufacturers and suppliers of equipment and machinery, articles or substances used at work have the responsibility of ensuring safety and health concerning the materials they supply.

Enforcement

The Health and Safety Authority is responsible for enforcing health and safety at work. For the most part HAS Inspectors give advice and information during their inspections. However they can give improvement directions or serve improvement or prohibition notices for non compliance with the law. Prosecutions can lead to fines or prison sentences.

In addition to the general health and safety provisions just outlined for the most part they apply to all workplaces, there are additional requirements to deal with specific problem areas. These are set out in the following pages.

In some cases additional Regulations (e.g. 1994 Chemical Agents, 1995 Construction, 1995 Pregnant Workers etc.) may also apply. For further information on these Regulations contact the HAS at the addresses listed at the back.

THIS BOOKLET IS NOT A LEGAL INTERPRETATION



A safe place of work

These provisions apply to all buildings used as places of work except for transport, construction sites, mines and quarries, fishing boats and work on the land (construction, mines and quarries are covered by specific laws).

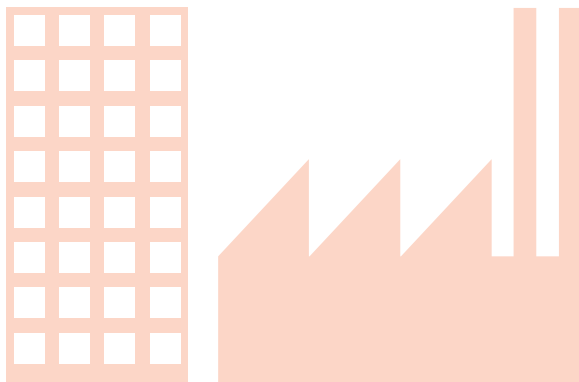
The employer must ensure that the physical environment of the place of work is adequate. Work areas should be large enough to be safe and healthy. This must include general stability, ventilation and fresh air, temperature and lighting.

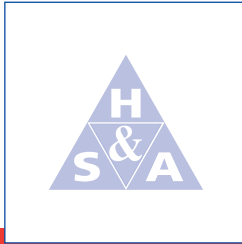
Pedestrians and vehicles must be able to circulate safely. Traffic routes, entrances and exits must be kept clear. Floors, walls, ceilings, roofs, doors and gates, loading bays and ramps must be safe.

Toilet, washing and welfare facilities must be provided. In addition, rest rooms, changing rooms and sanitary facilities, facilities for pregnant workmen, nursing mothers and employees with disabilities must be provided.

Employees working outdoors should be protected against bad weather, noise, slippery conditions, etc.

Since 1st January 1996 all workplaces (excluding the above exceptions) must comply with these requirements.





The safe use of equipment

Employers must ensure that all equipment is suitable or properly adapted for the work concerned. It must not impair the health and safety of employees or place them at risk

Essential warnings and markings should be placed on work equipment. Employees must be given adequate information and training on its use, including written instructions if these are necessary.

Repairs, modifications, maintenance or servicing should be carried out only by competent persons. There should be safe means of access for production work and for maintenance or adjustments.

All equipment must have proper control devices for starting and stopping.

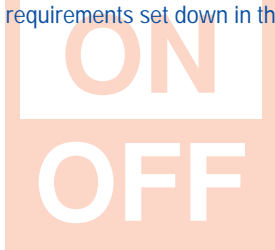
Guards should be placed on equipment where there is a risk from contact, or where there are high or very low temperatures.

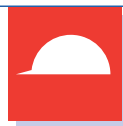
Any equipment from which objects might fall must be fitted with safety devices.

The containment or extraction of gas, vapour, liquid or dust emissions must be provided for.

Equipment must be maintained during its working life so that it continues to comply with these requirements. Additional requirements also apply to equipment brought into use after 5th December 1998. These additional requirements are given effect to by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001.

They cover the need to carry out inspections on a regular basis and prevent the overturning of mobile and self-propelled equipment. New equipment must also comply with the 1994 and 1995 Machinery Regulations and the requirement to have a CE mark. These Regulations apply to equipment suppliers in that they must comply with essential health and safety requirements set down in the Regulations before the CE mark can be used on them.





Personal protective equipment

Personal protective equipment (PPE) can include protective headwear, footwear and eye-wear, respirators and breathing equipment, ear protectors, protective clothing, gloves, safety harnesses and ropes and barrier creams.

Wherever possible, employers must eliminate hazards in places of work at source. If these cannot be eliminated totally, they must be reduced to a minimum and adequately controlled.

PPE must be provided free of charge by the employer and must be used by the employee.

The personal protective equipment must comply with any relevant EC standards. It must be suited to the risks involved, take account of the conditions of the place of work, be suitable to the wearer and or the work to be done.

Before choosing PPE, an employer must assess its suitability in relation to the risks involved. The employer must also decide on the frequency of use PPE. This will take into account the seriousness and frequency of the risk.

PPE must be properly maintained and stored.

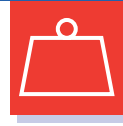
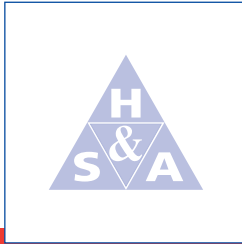
Normally, only one employee will use any individual piece of personal equipment.

Employees must be specifically informed of the risk for which the PPE is provided.

They must be properly instructed and trained in its use, using demonstrations if appropriate.

Information, training and consultation on safety and health must take these requirements into account.





Manual handling of loads

This includes all pushing, pulling, lifting, carrying, putting down or moving any loads involving a risk to employees.

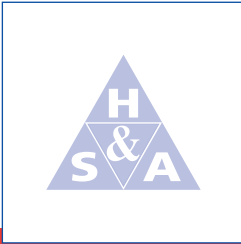
In planning how the work is to be done, the employer must assess the risk presented by the working environment, the particular load, the physical effort required, the distance involved and the frequency of the task.

Employees should be given all relevant information on loads, including weight, centre of gravity and special handling requirements.

Employers must take account of whether the employee is physically suited and has adequate knowledge of training for the job to be done.

Manual handling training should be given to those employees who are required to manually handle loads i.e. after the risk assessment has been carried out and adequate control measures have been put in place.





Visual display units (VDUs)

Minimum requirements for work with visual display units (VDUs) are set down. These do not apply to the small screens on machines such as bank ATM machines, calculators, cash registers etc.

The Regulations cover not just the VDU itself but the operator, the desk, chair and the surrounding area. All workstations must be designed to suit the tasks carried out at them.

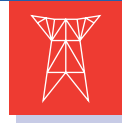
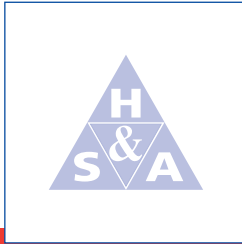
There are specific requirements for VDU work stations. These cover the work environment (including noise, heat and humidity), the display screen (including reflection and glare), the keyboard, desk or worksurface, chair and the operator's positioning in front of the VDU.

The employer must analyse each workstation including the environment (space requirements, lighting, reflections, glare and radiation) and the equipment itself – the display screen, the keyboard and the software in use.

Adequate breaks from screen work must be arranged. All employees using VDUs will be entitled to eye tests and spectacles if they are needed for their work. These will be paid for by the employer if normal spectacles cannot be used. Social welfare entitlements may also apply.

Since 1st January 1996 all VDU workstations must comply with the full requirements of these Regulations.





The use of electricity

The Regulations are concerned with general electrical safety requirements rather than with detailed specifications and they will be backed up by approved codes of practice. The Regulations apply to all electrical equipment and installations in all workplaces except for mines and quarries, and to all work activities related to the use of electricity.

All electrical equipment must be constructed, installed, maintained, protected and used so as to prevent danger.

Equipment must be suitably identified and marked, including the maker's name and its electrical ratings.

Earthing and automatic disconnection of supply or other means must be provided to prevent danger from exposed parts becoming live.

Adequate protection must be given to equipment which is exposed to the elements, to adverse conditions such as damp, dust, flammable atmospheres etc. or subject to risk of mechanical damage.

Residual current devices (30 milliamps maximum sensitivity) must protect circuits supplying sockets at voltages between 125 and 1,000 volts A.C. Lower voltages must be used where there are increased risks of electric shock when using portable equipment.

Overcurrent protection must be provided as well as switching and isolation facilities. Precautions must be taken to prevent equipment made dead becoming live while work is going on.

All new electrical installations must be tested by a competent person and certified. Suitable precautions must be taken when working under overhead lines and near underground cables.



First Aid

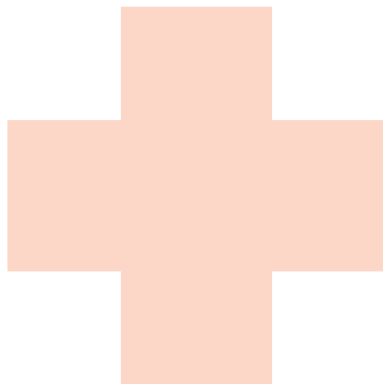
This applies to all places of work and replaces earlier requirements

All places of work working conditions require it must have adequate first aid arrangements.

Where injuries to workers are frequent, where there are large numbers of employees or where there are significant risks to health and safety, sufficient trained occupational first aiders must be available. These must hold certificates awarded by a recognised body. Their training must include dealing with accident resulting from the specific hazards in their place of work.

If the size of the workforce, the type of activity and the likely frequency of accidents merits it, then first-aid rooms must be provided and properly fitted out. This requirement applies to new places of work or which are extended, converted or modified from January 1st, 1993.

This employer must record the first aid arrangements and the names of the occupational first aiders in the Safety Statement.





Notification of accidents and dangerous occurrences

The law now requires that all accidents at work must be notified to the Health and Safety Authority on the approved forms. These are printed on the following pages and should be photocopied and used where appropriate. The details must include what occurred, how it occurred and the type of injury caused.

The Authority must be notified using Form IR1 about:

- A work accident causing the death of any employed or self-employed person
- A work accident that prevents an employed or self-employed person from working for more than three days
- An accident caused by a work activity which causes the death of, or requires medical treatment to, a person not at work e.g. a passer-by.

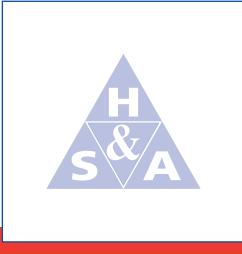
The Authority must be informed using Form IR3 as soon as possible about:

Any dangerous occurrence involving lifting machinery, pressure vessels or electrical short-circuit; explosion or fire; escape of substances; collapse of scaffolding, building or structure; unintentional ignition or explosion of explosives; failure of a freight container or an incident occurring from the conveyance of dangerous substances by road; failure of breathing apparatus; an incident involving overhead lines carrying 200 volts or more; a train crash at a factory or dock; the bursting of a revolving vessel, mechanically powered wheel or grindstone.

The persons who must report accidents are:

- In the case of the death or injury of employees, the employer
- In the case of the death or injury of a person receiving training for employment, the persons
 - Providing the training
- In the case of the death or injury of persons not at work which is caused by a work activity, the person in control of the place the death occurred
- In the case of the death of a self employed person, the person in control of the place of work where the death occurred
- In the case of the death of a self employed person at a place of work under their own control, their next of kin
- Self-employed person in relation to accidents to themselves

Records containing full details of all accidents or dangerous occurrences notified to the Health and Safety Authority must be kept for 10 years.



Further Information

The following HSA publications give further information on complying with health and safety laws:

- 1 A Guide to the Safety, Health and Welfare at Work Act, 1989 and the Safety, Health and Welfare at Work (General Application) Regulations, 1993 £2
- 2 Guidelines on preparing your Safety Statement and carrying out risk assessments £2
- 3 Guidelines on Safety Consultation and Safety Representatives
- 4 Safe Company – A guide to safe working practices £12
- 5 Workplace health and safety management £12
- 6 Safe to Work – A guide on preparing a safety statement for small businesses £1
- 7 Report of the Task Force on the Prevention of Workplace Bullying £6



- ON THE FOLLOWING PAGES PLEASE FIND A MASTER COPY OF TWO FORMS. SPECIFICALLY:-
 1. FORM OF NOTICE OF ACCIDENT (IR1)
 2. FORM OF NOTICE OF DANGEROUS OCCURRENCE (IR3)
- INSTRUCTIONS FOR EACH ARE PRINTED ON THE REVERSE.
- PLEASE PHOTOCOPY FOR USE

A SHORT GUIDE TO HEALTH & SAFETY LAW

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website

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on the internet -
our website is at
<http://www.hsa.ie>